

York County Subdivision Ordinance (excerpts)

Sec. 20.5-28. Preliminary plan.

Any person desiring to subdivide land shall, unless exempted under the provisions of section 20.5-27, prepare and submit ten (10) copies of a preliminary plan to the agent together with a completed application and the appropriate fee.

(a) *Initial review by agent.* Upon the submission of a preliminary plan together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plan to ensure compliance with all submission requirements established by article III of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plans and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.

(b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposal with all applicable requirements of this chapter and other applicable ordinances, requirements, and regulations.

(1) The agent may transmit copies of the preliminary plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.

(2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the preliminary plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider.

Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the agent.

(3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information that is required to secure final approval of the preliminary plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy and identifying such modifications or corrections as will permit approval of the plan.

(4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the preliminary plan prior to approval, the subdivider shall resubmit, without additional fee, ten (10) copies of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original.

(c) *Effect of approval.*

(1) Approval of the preliminary plan shall not constitute a guarantee of approval of either the development plan or the final plat.

- (2) Approval of the preliminary plan shall constitute authorization for the subdivider to proceed with the preparation of development plans in accordance with the provisions of this chapter and the layout and design depicted on the approved preliminary plan.

(d) *Term of validity.*

The subdivider shall have one (1) year from the date of official notification of approval of the preliminary plan within which to file a development plan meeting all of the submittal requirements established in article IV of this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) six-month extension of preliminary plan approval.

Sec. 20.5-29. Development plan.

The subdivider shall, unless otherwise provided by section 20.5-27 of this chapter, after receiving approval of the preliminary plan and within the time specified in section 20.5-28(d), submit ten (10) copies of a development plan for the subdivision or section thereof prepared in accordance with article IV of this chapter to the agent together with the appropriate application and fee.

- (a) *Initial review by agent.* Upon the submission of a development plan together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plan to ensure compliance with all submission requirements established by article IV of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plans and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.

- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposed design elements and physical improvements with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.

- (1) The agent shall transmit copies of the development plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.

- (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the development plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider.

Where review by one or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the agent.

- (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the development plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and an identification of such modifications or corrections as will permit approval of the plan.

- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the development plan prior to approval, the subdivider shall resubmit, without additional fee, ten (10) copies of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original.
- (c) *Effect of approval.*
 - (1) Approval of the development plan shall constitute authorization for the subdivider to proceed with the preparation of final plats for those sections of the subdivision contained in the approved development plan in accordance with the provisions of article V of this chapter.
 - (2) Approval of the development plan shall, upon issuance of all necessary permits including, but not limited to, land disturbing permits and utility certificates to construct, constitute authority to commence development and construction activities which are in accordance with the approved development plan but only within such section or sections which have received approval. Nothing in this provision however, shall be interpreted to authorize the construction of any structure on any proposed lot other than such structures which are appurtenant to utility installations.
- (d) *Term of validity.* The subdivider shall have one (1) year from the date of official notification of approval of the development plan within which to file a final plat for those sections contained in said plan meeting all of the submittal requirements established in article V of this chapter. Failure to do so shall make the development plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) one-year extension of development plan approval.

Sec. 20.5-30. Final plat.

The subdivider shall, unless otherwise prescribed in section 20.5-27 of this chapter, after approval of the development plan and within the time specified in section 20.5-29(d), submit eight (8) copies of the final plat for those sections contained on the approved development plan to the agent for review and approval. The final plat shall be prepared in accordance with article V of this chapter and shall be submitted together with the applicable application and fee. The agent may, upon written request and for good cause shown, accept for review final plats before approval has been granted to development plans, however approval of a final plat requires that it fully conform with the approved development plan, if such a plan is required.

- (a) *Initial review by agent.* Upon the submission of a final plat together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plat to ensure compliance with all submission requirements established by article V of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plat and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.
- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the plat with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.

- (1) The agent shall transmit copies of the final plat to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
 - (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the final plat by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider.
 - (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the plat and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and identifying such modifications or corrections as will permit approval of the plat.
 - (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the final plat prior to approval, the subdivider shall within sixty (60) days resubmit, without additional fee, eight (8) copies of the revised plat together with the original or a copy of any marked plats returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plat. The revised plat shall then be reviewed in the same manner and within the same time elements as was the original. The agent, for good cause shown, may grant an extension of the sixty (60) day time limitation, provided a written request is received from the subdivider no fewer than ten (10) working days prior to expiration of the term established herein.
- (c) *Effect of approval.* Approval of the final plat shall constitute authorization for the subdivider to proceed with the preparation of record plats depicting the information contained on the approved final plat.
- (d) Term of validity. ~~Except as otherwise provided for in section 15.1-466.A.8 of the Code of Virginia, the~~ The subdivider shall have six (6) months from the date of official notification of approval of the final plat within which to have the record plat filed and recorded by the clerk of the circuit court. Failure to do so shall make approval null and void, and the subdivider shall, ~~in accordance with the above referenced section,~~ be required to return the approved copy of the final plat to the agent in order that it may be so marked. Reapproval shall require resubmission in full compliance with the regulations then in effect. ~~Where the conditions of section 15.1-466.A.8, Code of Virginia have been met, the agent, upon written request of the subdivider received no fewer than thirty (30) days prior to the plat becoming void, and with the concurrence, by resolution, of the board may grant additional extensions of the term for good cause shown.~~ Where the subdivision involves the construction of facilities to be dedicated for public use and the subdivider has commenced the construction of such facilities with surety approved by the agent, or where the subdivider has furnished surety in accordance with Section 20.5-108 of this chapter, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement covering construction of required public improvements, whichever is greater.

Sec. 20.5-31. Record plat.

The record plat shall be prepared and submitted to the agent no less than ten (10) working days prior to the anticipated date of recordation together with all required deed and plat recordation fees.

- (a) *Submittal.* The subdivider shall provide three (3) reproducible copies of each plat sheet, clearly drawn in permanent black ink on .004 millimeter or thicker polyester drafting film with a matte finish on both sides, with the signatures of all owners and certification by a licensed land surveyor affixed to the plat(s) in permanent black or dark blue ink. The plat(s) shall meet the current *Standards for Recorded Instruments* of the Virginia State Library Board.
- (b) *Review by agent.* Upon the submission of a record plat together with the appropriate recordation fee(s), the agent shall, within five (5) working days, review the plat to ensure full conformance with the approved final plat. Where the agent determines that any deviation exists from the approved final plat, the plats shall be returned to the subdivider with a written notice stating the specific reasons, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit approval of the plat.
- (c) *Physical Improvements.* Where public physical improvements are required under the terms of this chapter, the record plat shall not be recorded unless the following conditions have been met:

- (1) All public physical improvements required by this chapter and shown on the approved development plan shall have been installed and approved for conformance with the approved development plan and shall have been approved for acceptance by the county, department of transportation, the health department, and/or any other applicable agency or entity; or

In lieu of actual installation and approval for acceptance of such public physical improvements, the subdivider shall, in accordance with the provisions of article VII of this chapter, have executed an agreement and a performance guarantee to construct such physical improvements as depicted on the approved development plan within a specific time frame to be determined by the agent in consultation with those departments and agencies deemed appropriate by the agent; or

A combination of the above two (2) conditions is effected.

The term "public physical improvements" as used herein includes all improvements which are installed pursuant to a requirement by this chapter, including such improvements which are ultimately to be owned by or the responsibility for maintenance is to be incurred by a property owners' association.

- (2) The subdivider shall guarantee, in accordance with the provisions of article VII of this chapter, the maintenance of any streets, sidewalks, utilities, street lights, public easements and rights-of-way shown on the development plan and final plat until such time as such facilities have been approved and accepted by the county, department of transportation, and/or any applicable agency, authority, or district to which ultimate dedication is intended. Maintenance shall be deemed to include maintenance of the streets, curb, gutter, sidewalks, drainage facilities, utilities, street lighting, landscaping, easements, rights-of-way, or other improvements, including the correction of defects and damages and the removal of snow, ice, water, debris or obstruction, so as to keep such facilities open and in good repair such that the full function of their intended public purpose is preserved.
- (3) The subdivider shall indemnify, protect, and save harmless the county, its officers, agents and employees, from all losses and physical damages to property, and bodily injury or death to any person or persons which may arise from or be caused by the construction,

maintenance, presence, or use of the streets, rights-of-way, utilities and public easements required by and shown on the development plan and final plat until such time as such streets, rights-of-way, utilities and public easements shall be accepted by the county, department of transportation, and/or any applicable agency, authority, or district to which ultimate dedication is intended.

- (4) Upon satisfactory completion of the installation of the required improvements, the subdivider shall make application for acceptance of such improvements for operation and maintenance by the county, department of transportation, and/or any applicable agency, authority, or district to which ultimate dedication is intended.
- (d) *Approval by agent.* Where the agent, after review of the record plat, finds said plat(s) in complete conformance with the approved final plat and that the provisions of subsection (c) above have been met, the agent shall, within ten (10) working days, sign each of the reproducible copies in permanent black ink and shall, together with any necessary deeds, cause such plat(s) to be recorded by the clerk of the circuit court. After ensuring that all necessary reference information is properly written on each copy of the plat(s), the agent shall return one (1) reproducible copy to the subdivider.

20.5-31.1 Terms of Validity

- (a) Notwithstanding the provisions of Sections 20.5-28(d) and 29(d), if at the end of three (3) years from the date of approval of a preliminary subdivision plan a subdivider has not submitted a final subdivision plat, or has not diligently pursued approval of a submitted final plat, then the agent may, upon ninety (90) days written notice by certified mail to the subdivider, revoke the preliminary plan approval. Diligent pursuit of approval of the final subdivision plat shall mean that the subdivider has incurred extensive obligations and substantial expenses relating to the submitted final subdivision plat or modifications thereto. The agent's written notice shall cite the specific facts upon which the revocation is based. In any event, when a final subdivision plat has been timely submitted but not approved the maximum term of validity for the associated preliminary plan shall be five years.
- b) Following the expiration or revocation of any preliminary plat pursuant to subsection (a) above, any subdivision plan considered for the subject property shall be submitted and processed in accordance with all applicable procedures for new submissions.